

FEB 28 2002

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#5

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventor(s), I/we declare that:

COPY OF PAPERS
ORIGINALLY FILED

This declaration is directed to:

The attached application, or
 Application No. 09/998,001, filed on November 28, 2001
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 CHRISTOPHER A. JULIAN Date: _____

Signature: _____ Citizen of: United States

Inventor 2 MICHAEL IKEDA Date: 2/5/02

Signature: Michael Ikeda Citizen of: United States

Inventor 3 ANDRIS D. RAMANS Date: 01/30/02

Signature: Andris D. Ramans Citizen of: United States

Inventor 4 DEAN F. HOORNAERT Date: 1/30/02

Signature: Dean F. Hoornaert Citizen of: United States

Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3186534 v1

FEB 28 2002
U.S. PATENT AND TRADEMARK OFFICE

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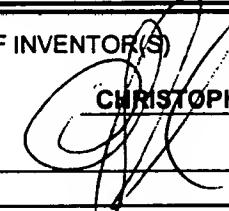
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

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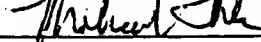
All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

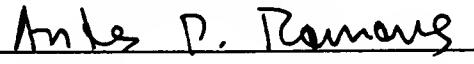
Inventor 1 CHRISTOPHER A. JULIAN Date: 2/5/02

Signature:  Citizen of: United States

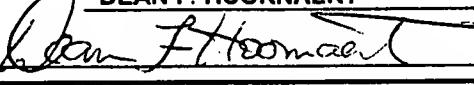
Inventor 2 MICHAEL IKEDA Date: 2/5/02

Signature:  Citizen of: United States

Inventor 3 ANDRIS D. RAMANS Date: 01/30/02

Signature:  Citizen of: United States

Inventor 4 DEAN F. HOORNAERT Date: 1/30/02

Signature:  Citizen of: United States

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As the below named inventor(s), I/we declare that:

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This declaration is directed to:

The attached application, or _____
 Application No. 09/998,004, filed on November 28, 2001,
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

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FULL NAME OF INVENTOR(S)

Inventor 5 MARGARET M. ISAAC Date: 2/05/02

Signature: Margaret Isaac Citizen of: United States

Inventor 6 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 7 _____ Date: _____

Signature: _____ Citizen of: _____

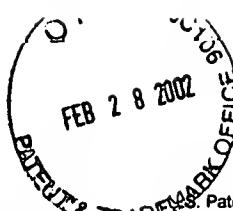
Inventor 8 _____ Date: _____

Signature: _____ Citizen of: _____

Additional inventors are being named on form(s) attached hereto.

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PA 3186535 v1

Please type a plus sign (+) inside this box → 

PTO/SB/81 (02-01)

Approved for use through 10/31/2002, OMB 0651-0035

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POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT

| | |
|------------------------|--|
| Application Number | 09/998,004 |
| Filing Date | November 28, 2001 |
| First Named Inventor | JULIAN, Christopher A. et al. |
| Title | Endoscopic Beating-Heart Stabilizer and Vessel Occlusion Fastener |
| Group Art Unit | |
| Examiner Name | |
| Attorney Docket Number | 17516-002580US |

I hereby appoint:

 Practitioners at Customer Number

OR

 Practitioner(s) named below:

20350

Place Customer
Number Bar Code
Label here

| Name | Registration Number |
|------|---------------------|
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as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

 The above-mentioned Customer Number.

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 Practitioners at Customer Number Firm or
Individual Name

Address

Address

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State

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Country

Telephone

Fax

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Assignee Intuitive Surgical, Inc.

Name Robert F. Dennis, Patent Counsel #40,988

Signature Robert F. Dennis

Date 2/11/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

 *Total of forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PA 3194742 v1

STATEMENT UNDER 37 CFR 3.73(b)

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Applicant/Patent Owner: JULIAN, Christopher A. et al.

Application No./Patent No.: 09/998,004

Filed/Issue Date: November 28, 2001

Entitled: Endoscopic Beating-Heart Stabilizer and Vessel Occlusion Fastener

Intuitive Surgical, Inc. a Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

2/11/02

Date

Signature

Robert F. Dennis #40988

Typed or printed name

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.